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C O N F I D E N T I A L SECTION 01 OF 02 ACCRA 000598

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [GH](#)

SUBJECT: NATIONAL RECONCILIATION COMMISSION - ENTER

RAWLINGS STAGE RIGHT? - CORRECTED FOR DATE IN PARA 1

Classified By: Polchief Richard Kaminski, reason 1.5 (B/D)

[1](#)1. (C) SUMMARY: The National Reconciliation Commission (NRC) continues the balancing act of assembling a historical record of human rights abuses while avoiding politically charged proceedings. It faced its most difficult public proceedings yet when the independent journalist Kwaku Baako deviated from his expected testimony to offer hearsay evidence. He said that former President Jerry John Rawlings, in unrelated incidents, ordered and supervised torture sessions and the extra-judicial killing of a former colleague. The testimony invoked cheers and jeers from spectators) the first hint of the political circus that the NRC is struggling to avoid. The NRC has invited former President Rawlings to submit a written response to the various allegations. The opposition NDC party, complaining about the admission of hearsay evidence, fears (or claims to fear) the witch hunt has begun. The NRC would welcome public testimony from Rawlings, and Rawlings himself told Poloff in a March 20 meeting that he will appear if asked. Such testimony could be a useful exploration of a very violent period in Ghana's history; it could also polarize political factions. END SUMMARY

Journalist Testimony

[1](#)2. (SBU) On March 11, Kwaku Baako testified as a witness in the torture case of the late Mawuli Goka (son of a Nkrumah government Finance Minister) who was tried for treason and executed. While not an eyewitness to the torture, Baako was imprisoned with Goka and saw the scars on his body. He offered very compelling and disturbing testimony on the abuses heaped on those imprisoned. During the testimony, Baako also alleged that former President Rawlings ordered and supervised torture sessions, and also executions, in cases not before the Commission that day. None of these comments were based upon personal knowledge. His testimony, before a packed house, evoked strong reaction from the crowd, and some hostility to probing questions put to him by opposing attorneys. Much discussion ensued in local newspapers and radio stations on the testimony, and Rawlings' NDC party issued a formal statement criticizing the Commission for allowing such uncorroborated hearsay testimony to transpire.

[1](#)3. (C) Poloffs met with NRC Executive Secretary Ken Attafuah March 21 to discuss the Baaku testimony and further proceedings. Attafuah initially noted that the NRC was a quasi-judicial body designed for victim reconciliation as much as formal fact finding. As such, the rules of evidence used in a court of law were not binding, but used only as "a guide". The healing function of the NRC, he said, made it necessary to afford victims the full opportunity to express themselves.

[1](#)4. (C) Although disconcerted by Baaku's sudden straying into matters not before the Commission, Attafuah said that Commission members were generally hesitant to interrupt witnesses who offered hearsay testimony in the midst of emotional recitations of events. This might be construed as "inappropriately stifling" testimony. Such evidence would be admissible, he said, but would only be used in the findings of the NRC if the weight of further testimony and investigation warranted it. Generally speaking, NRC procedures sought to avoid the surprises seen in Baako's testimony, he further explained. Those testifying are asked to put their testimony in writing, allowing the accused advanced warning and preparation. Baako did not submit his free-ranging and unconnected accusations about Rawlings to the NRC in advance. Attafuah asserted that the Commission was anxious to avoid the circus-like atmosphere that often prevailed at the human rights commission hearings in Nigeria, and he and Commission members were not about to let such "straying" occur regularly.

Possible Rawlings' Testimony

[1](#)5. (C) Turning to the subject of former President Rawlings' possible testimony, Dr. Attafuah stated that the NRC has sent a letter to Rawlings requesting a written response to the Baaku accusations. The Commission had also sent several other letters on unrelated cases, also inviting a response.

The Commission had yet to invite Rawlings to appear personally before the Commission, and would not consider doing so before it had heard from a number of other witnesses. Any decision requesting his appearance would not be based solely upon the as-yet unsubstantiated hearsay testimony of Baaku.

16. (C) Attafuah suggested that Rawlings would likely be eager to appear, and would make a compelling witness. There were a number of people in contact with the Commission, he commented, who would attest to their lives being saved by Rawlings during the very turbulent times when Rawlings first came to power. Rawlings was the central figure in the 1979 and 1981 coups, he commented, and led the PNDC government for 12 years, a period when many abuses occurred. No testimony from Rawlings, he said, would significantly diminish the impact and the work of the Commission.

Rawlings' Meeting

17. (C) Polchief met with Rawlings and an aide March 19, and confirmed that Rawlings had received letters from the Commission inviting written responses. Regarding the Kwaku Baaku testimony, the former President said his legal team (led by former Speaker and Supreme Court Justice D. F. Annan) would essentially reply that "I don't comment on hearsay testimony." Although much perturbed by the Kwaku Baaku submissions, Rawlings said that if invited to appear before the Commission, he would do so "willingly."

18. (C) Rawlings, agitated and emotional, said repeatedly that he had only witnessed a single execution during his time as an officer in the Air Force, and, later, as Head of State: that of a fellow member of the armed forces involved in the murder of Ghanaian judges in 1982 who had been properly tried and found guilty. He denied overseeing torture sessions. He saw the Kwaku Baaku testimony, he said, as "one more example of the NPP trying to ruin the NDC and myself." He also asserted that, should he appear, he would have ample examples of how he in fact restrained "the boys" during a time when many abuses did indeed occur, and many more killings "could easily have happened."

Comment

19. (C) Comment. Kwaku Baaku, local journalist and political gadfly, runs a local paper in which he attacks Rawlings in nearly every issue. The Commission could easily have anticipated Baaku "straying" from his anticipated testimony. Perhaps it simply chose to let him proceed, and raise explosive issues that it must, in time, examine in more comprehensive fashion. In any case, the issue is now joined, and both the Commission and Rawlings' handlers assert they are ready and willing to have him testify in open session. Rawlings, still a very skilled and charismatic speaker, will be no pushover.

110. (C) Comment continued. Testimony by Rawlings on his role in the 1979 and 1981 coups, and on abuses during his time as head of state, will make great political theater. If he is indeed allowed to tell his story as he sees it, and bring witnesses to support him, the Commission may, through that testimony, and the testimony of the many victims who suffered grievously, shed an accurate light on some very dark moments in Ghanaian history. However, avoiding descent into catcalls and general chaos will require a firmer administrative hand on proceedings than that exhibited during the Baaku testimony. End comment.

YATES